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Columbia River Gorge National Scenic Area

Final Interim Guidelines

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COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

FINAL INTERIM GUIDELINES

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TABLE OF CONTENTS

<i>Chapter I: INTRODUCTION.....</i>	<i>1</i>
<i>A. Background</i>	<i>1</i>
<i>Chapter II: INTERIM MANAGEMENT</i>	<i>2</i>
<i>A. Administration</i>	<i>2</i>
<i>B. Review of Proposed Land Use Activities and Developments</i>	<i>2</i>
<i>Chapter III: GUIDELINES.....</i>	<i>4</i>
<i>A. Guidelines for Land and Water Use and Development.....</i>	<i>4</i>
<i>B. Protection of Scenic, Cultural, Recreation and Natural Resources.....</i>	<i>4</i>
<i>1. Scenic Resources</i>	<i>4</i>
<i>2. Cultural Resources.....</i>	<i>5</i>
<i>3. Recreation Resources.....</i>	<i>5</i>
<i>4. Natural Resources.....</i>	<i>6</i>
<i>C. Land Use Standards.....</i>	<i>6</i>
<i>1. Agricultural Lands.....</i>	<i>6</i>
<i>2. Forest Lands</i>	<i>6</i>
<i>3. Open Space</i>	<i>7</i>
<i>4. Commercial Development.....</i>	<i>7</i>
<i>5. Recreation Development.....</i>	<i>7</i>
<i>6. Land Divisions</i>	<i>8</i>
<i>7. Residential Development</i>	<i>8</i>
<i>8. Industrial Development.....</i>	<i>8</i>
<i>9. Mineral Resources</i>	<i>8</i>
<i>10. Community Facilities</i>	<i>9</i>
<i>DEFINITIONS.....</i>	<i>9</i>

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CHAPTER I: INTRODUCTION

Public Law 99-663 was signed by President Reagan on November 17, 1986, establishing the Columbia River Gorge National Scenic Area. This law provides direction for a partnership of federal, state, and local agencies to develop a plan for protection and management of the resources in the Gorge. These Interim Guidelines establish the standards by which proposed developments and changes in land uses or enhancement proposals will be evaluated for consistency with the purposes of that legislation.

Section 10 of the Act requires that Interim Guidelines be adopted by the Secretary of Agriculture for the Scenic Area outside Urban Areas. According to the Act, the Interim Guidelines will provide standards to: 1) "identify new land use activities and developments which are inconsistent with the Act," and 2) "to govern the authority to acquire land without the consent of the owner" (Section 10(a)).

These Interim Guidelines will "remain in effect for each county until the Secretary has developed guidelines for the Special Management Areas pursuant to Section 8 of the Act and the land use ordinances prescribed by Section 7 are in effect" (Section 10(a)). These are expected to be completed by the end of 1990.

A. BACKGROUND

The Columbia River Gorge National Scenic Area Act was established for two purposes: "1) to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and 2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing Urban Areas and by allowing future economic development in a manner consistent with the first purpose" (Section 3).

The Scenic Area Act gives special designation to two categories of land: Urban Areas and Special Management Areas. Thirteen communities in Oregon and Washington within the Scenic Area are designated as Urban Areas, and are exempt from most provisions of the legislation. Special Management Areas are generally the most environmentally sensitive lands, where activities are more restricted than in other parts of the Scenic Area. These include islands in the Columbia River. All areas not specifically designated as Special Management Areas or Urban Areas are identified as General Management Areas in these Guidelines. Copies of maps with these designations are available from the Scenic Area offices.

Section 6(d) of the Act lists standards for the Management Plan which also are used as the basis for Interim

Guidelines. The Management Plan will identify ways to provide the enhancement called for in Section 6(d), but the objective here is to provide needed protection in the meantime, and enhancement opportunities as they might occur. "The Management Plan, all land use ordinances, and Interim Guidelines shall include provisions to:

- (1) protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open space, recreation development, or forest lands;
- (2) protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest lands to agricultural lands, recreation development, or open spaces;
- (3) protect and enhance open spaces;
- (4) protect and enhance public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the Recreation Assessment required by the Act;
- (5) prohibit major development actions in Special Management Areas, except for partitions or short plats which the Secretary determines are desirable to facilitate land acquisitions pursuant to this Act;
- (6) prohibit industrial development in the Scenic Area outside Urban Areas;
- (7) require that commercial development outside Urban Areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the Scenic Area;
- (8) require that residential development outside Urban Areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area; and
- (9) require that the exploration, development and production of mineral resources, and the reclamation of lands thereafter, take place without adversely affecting the scenic, cultural, recreation and natural resources of the Scenic Area." (Section 6 (d))

For any proposed land or water use activity or development outside Urban Areas, a determination will be made as to its consistency with the Act, using these Guidelines as standards for determinations of consistency. This includes lands managed by or activities proposed by federal, state or local public agencies, as well as private land uses and developments. There are some limitations on application of the Guidelines for certain agencies as described in Section 17 of the Scenic Area Act.

Lands which are "used or threatened to be used in a manner inconsistent with the purposes for which the Scenic Area was established, and which will cause or likely cause impacts adversely affecting the scenic, cultural, recreation, and natural resources of the area," may become subject to acquisition by the United States (Section 10(b)(1)).

CHAPTER II: INTERIM MANAGEMENT

A. ADMINISTRATION

The Scenic Area Act creates a partnership among the six counties within the Columbia River Gorge (Clark, Skamania, and Klickitat in Washington and Multnomah, Hood River, and Wasco in Oregon), a Bi-state Commission, and the USDA Forest Service. As explained in this Chapter, each partner has important, but different, responsibilities in the Scenic Area. Together these agencies provide the overall coordination and management to achieve the purposes of the Act.

These Guidelines were developed in consultation and cooperation with the local Scenic Area counties and other agencies in an attempt to avoid conflicts or inconsistencies in procedural requirements. They are not intended to supersede or eliminate the usual state or local development permit processes. Development applications will still be reviewed by these agencies, and must meet all applicable state and local laws and regulations. The National Scenic Area consistency determination is supplemental to those processes of state and local governments.

Prior to completion of the Management Plan and the adoption of county ordinances, the Bi-state Commission will evaluate proposals for major development actions and new residential development. "The Commission shall allow major development actions and new residential development only if it determines that such development is consistent with the standards contained in Section 6(d) of the Act" (Section 10(c)). Urban Areas are exempt from this review.

The Forest Service will review proposals other than major development actions and residential development which are reviewed by the Commission. The Forest Service Scenic Area Manager is the official responsible for determining whether those proposals are consistent with the Act.

Where "land is being used or is threatened to be used in a manner inconsistent with the purposes for which the Scenic Area was established and which will cause or is likely to cause impacts adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area," the Secretary of Agriculture has the authority to acquire the land without consent of the owner (Section 10(b)(1)).

B. REVIEW OF PROPOSED LAND USE ACTIVITIES AND DEVELOPMENTS

APPLICATION REQUIREMENTS

Any change in existing land or water use or development will require a determination of consistency with the Scenic Area Act. To obtain this determination, a Land Use Application Form must be submitted to either the Forest Service or the Bi-State Commission Scenic Area offices. The Form provides the detailed information needed for the evaluation.

The Application Form should be submitted either prior to or at the same time as the application for the appropriate county permits. This Form is required for all types of proposals, regardless of whether or not a county permit is required. Application forms are available at the Scenic Area offices and local County Planning offices.

Necessary information for the Application Form includes at least: 1) a legal description, a map of the location, and a plot plan for the project proposal; 2) a complete description of the proposal; 3) identification of the scenic, cultural, recreation and natural resources known to exist on the site; and 4) a discussion on how the project complies with these guidelines. To the extent possible, the Application Form will use the same information as that required for county permits. Where inventories already exist, such information will be provided to the applicant by the Forest Service. The applicant may also be requested to provide additional site analysis information.

EVALUATION PROCESS

Once a completed Application Form is received at the Scenic Area Office, it will be evaluated for consistency with the Act as soon as possible. In most cases the evaluation will take place within ten working days. Where a proposal appears to have potential for adverse effects on the scenic, cultural, recreation, or natural resources of the Scenic Area, it may require additional time. In cases requiring more than ten days, direct contact with the applicant will be made and an explanation of the status offered. The following section describes in detail the steps in the evaluation process.

Step 1

An applicant for a consistency determination will submit an Application Form to either the Bi-state Commission or Forest Service Scenic Area office. Applications must be complete, including the information discussed in Application Requirements, Section B-1 above, and relevant site analysis information as discussed in Chapter III.

Within one working day after receipt of a completed Application Form, a determination will be made as to which office will review the proposal. If it is a major development action or residential development, the Bi-State Commission will review it; the Forest Service will review all

others. It will be forwarded to the appropriate office and a staff person will be assigned to coordinate the evaluation and prepare a report.

Step 2

For proposals reviewed by the Forest Service, Step 2 of the process will normally take ten working days to complete. During this time, staff will determine if the proposed action is consistent with the standards in Section 6(d) of the Act, or if it will adversely affect the scenic, cultural, recreation or natural resources of the Scenic Area, based on the guidelines in Chapter III of this document. This evaluation will consider all of the information provided in the application, and may also depend on discussions with other affected agencies and/or on-site field visits.

In some cases a land use or development proposal may have the potential to adversely affect the resources intended to be protected and enhanced by the Scenic Area Act. If evaluation of a proposal indicates this potential, the applicant will be contacted. Frequently, adverse effects can be eliminated through design changes or adjustments in the magnitude or duration of the proposal. Through discussions between the Forest Service Staff and the applicant, mitigation measures may be designed and incorporated into the proposal in an attempt to reduce impacts to an acceptable level.

The amount of time required and the magnitude of the changes depend on the nature of the initial proposal. The Scenic Area staff will make every effort to expedite this redesign process. However, the applicant is primarily responsible for providing the data and information necessary to support a determination of consistency with the Scenic Area Act and these Interim Guidelines.

The project evaluation process which the Bi-State Commission staff will follow has yet to be determined. Upon completion of the evaluation, findings and recommendations will be forwarded to the Scenic Area Manager or the Commission for the final consistency determination.

Step 3

In Step 3 the Scenic Area Manager or the Bi-State Commission will make a determination of consistency for the proposed action. The report of findings and the determination of consistency will be forwarded to the applicant. Applicants receiving approved or consistent findings may continue the required permit process for their development with the appropriate county or other agencies. If other permits are not required, the project may be implemented immediately. Where there is a finding of inconsistency, the applicant will lose protection from condemnation if the project is implemented.

For applications reviewed by the Forest Service, if mitigation and redesign features are not agreed upon, the applicant may seek administrative review of the inconsistency determination. Any affected person who objects to a

determination made by the Scenic Area Manager may appeal the decision to the Regional Forester using standard procedures for administrative review contained in 36 CFR 211.18.

CHAPTER III: GUIDELINES FOR LAND AND WATER USE AND DEVELOPMENT

This chapter describes the standards by which changes in land or water uses or proposed developments will be evaluated for consistency with the Scenic Area Act. Section A contains general guidelines that apply to all proposals in the Scenic Area outside of Urban Areas.

Section B describes the guidelines by which any potential for adverse effects on scenic, cultural, recreation, or natural resources will be evaluated. Possible measures to mitigate adverse effects are discussed. The guidelines apply to land and water uses and development proposals of all types, except forest practices in the General Management Area and uses which are excluded in Section 17 of the Act.

Section C contains guidelines for each of the specific land uses addressed in the Scenic Area Act.

A. GUIDELINES FOR ALL DEVELOPMENT

The following guidelines apply to all proposals for land and water uses or developments outside Urban Areas:

- 1) Any use or development proposed by a federal, state, or local agency, or by any private party, shall be subject to a consistency determination unless specifically exempted herein or by the Savings provisions of Section 17 of the Act.
- 2) Any use or development that existed on the date of the Scenic Area Act, if used in the same manner and for the same purposes, is not affected by these guidelines, except:
 - a) the development of sand, gravel, or crushed rock;
 - b) the disposal of refuse; or
 - c) uses discontinued for a period of more than one year. These listed uses are subject to a consistency determination. The policy defining vested rights for existing uses, adopted by the Scenic Area Manager on March 19, 1987, on file at the Scenic Area Offices, will be used for identifying uses that existed on the date of the Act.
- 3) Uses or developments shall not adversely affect the scenic, cultural, recreation, or natural resources of the Scenic Area.
- 4) Uses or developments which are found to be consistent with the Scenic Area Act remain subject to all applicable federal, state, and local laws, regulations, and requirements.

5) When a structure is destroyed or partially destroyed, it will be considered an existing use when replaced in kind and in the same location within one year. The exterior color and reflectivity of replacement structures must be consistent with the scenic guidelines in Chapter III.

Replacement of a structure or use that differs in size or location from the original shall be subject to a consistency determination.

6) When a use or development is discontinued for more than one year, its replacement shall be subject to a consistency determination.

7) Any modification to a use or development that alters a structure or use in size or location shall be subject to a consistency determination.

B. PROTECTION OF SCENIC, CULTURAL, RECREATION AND NATURAL RESOURCES

This section provides guidelines for land and water uses or developments, and for modifications to existing uses or developments, to insure that the scenic, cultural, recreation and natural resources are protected. Through application of these guidelines, protection of the resources can be achieved, setting the stage for long term enhancement in the Management Plan to be prepared during the next three to five years.

The guidelines in this section apply to most land and water uses and developments within the General Management Areas and Special Management areas, regardless of their use category. They do not apply to forest practices in the General Management Area or to other activities that are specifically exempted in the savings provisions in Section 17 of the Act.

Analysis of potential impacts will include consideration of cumulative effects and take into account any mitigation that is designed into the project. Where a use or development may impact Scenic Area resources, consistency with these guidelines can often be achieved through mitigation measures, or through redesign of the project to reduce or eliminate adverse consequences which might otherwise occur. The Scenic Area staff will discuss mitigation and redesign opportunities with the applicant in an attempt to allow a proposed use to proceed while still protecting Scenic Area resources. If mitigation and redesign features are not agreed upon, the applicant may seek administrative review of an inconsistency determination as discussed in Chapter II, Section B.

Consistency determinations shall be based on the following guidelines:

1. SCENIC RESOURCES

OBJECTIVE: To protect and enhance scenic resources in Special Management Areas and General Management Areas pending completion of the Management Plan.

Protection will be accomplished by:

- a. minimizing impacts on scenery that is viewed by the greatest number of people, i.e., key viewing areas;
- b. insuring that development harmonizes with and complements its surroundings, rather than contrasts; and
- c. avoiding dramatic changes in the landscape character where land or water uses or developments are proposed.

GUIDELINES

- 1) Proposed uses or developments shall protect or enhance the scenic resources by avoiding changes in the particular landscape setting, and/or by minimizing the impact from site-specific development.
- 2) Proposed uses or developments shall not change the landscape setting of a site or its immediate surroundings from an undeveloped to a rural or developed setting, or from a rural to a developed setting.
- 3) Proposed uses or developments shall not detract from or impair views from key viewing areas.
- 4) Size, shape, color, texture, siting, height, building materials, lighting or other features of a proposed development shall not noticeably contrast with the landscape setting.
- 5) Proposed structures shall not protrude above the line of a bluff, cliff, or skyline as seen from key viewing areas.
- 6) Proposed uses or developments shall be screened from view of key viewing areas. Wherever possible, screening will make use of topographic or other natural features and/or native vegetation.
- 7) Except as necessary for preparation of an actual building site, proposed uses or developments shall not appear to modify the vegetation as seen from key viewing areas.
- 8) Proposed improvements seen from key viewing areas shall be aligned, designed and sited to fit the natural topography and to minimize visible grading or other modifications of land forms, vegetation cover, and natural characteristics. Improvements would include, but are not limited to: roads, parking areas, logging landings, rights-of-way, storage areas, fences, and site preparation for structures.
- 9) Proposed uses or developments in undeveloped and rural settings shall meet the visual quality objective of Partial Retention, as defined in the Forest Service Visual Management System.
- 10) Proposals for enhancement of scenic resources are encouraged as long as they will protect the cultural, recreation or natural resources.

2. CULTURAL RESOURCES

OBJECTIVE: To protect and enhance cultural resources in the Special Management Areas and General Manage-

ment Areas pending completion of the Management Plan and implementing ordinances.

Protection will be accomplished by:

- a. requiring identification of any cultural resources on sites proposed for new developments or changes in use;
- b. requiring mitigation where possible to avoid adversely affecting cultural resources where they are identified; and
- c. finding proposals inconsistent where mitigation will not result in adequate protection of the cultural resources.

GUIDELINES

- 1) Proposed uses or developments shall not damage or destroy cultural resources existing on the site or in the vicinity.
- 2) Proposed developments or changes in use on a parcel containing or likely to contain cultural resources shall require a cultural resource inventory to be conducted by a qualified professional.
- 3) Proposed uses or developments for sites where cultural resources are found shall include design of adequate mitigation measures. Mitigation must be designed in consultation with the State Historic Preservation Officer and/or the Advisory Council on Historic Preservation, as appropriate. Mitigation can include avoiding the site where the resources are found, properly protecting the resources from damage during development, or recovering the resource from the site. Where mitigation will not result in adequate protection, the proposal shall be found inconsistent with the Act.
- 4) Proposals for enhancement of cultural resources are encouraged as long as they will protect the scenic, recreation or natural resources.

3. RECREATION RESOURCES

OBJECTIVE: To protect and enhance recreation resources in the Special Management Areas and General Management Areas pending completion of the Management Plan.

Protection will be accomplished by:

- a. requiring identification of existing recreation resources in the vicinity that could be impacted by the proposed use or development;
2. requiring mitigation or redesign where possible to avoid adversely affecting the recreation resources; and
3. finding proposals inconsistent where mitigation will not result in adequate protection of the recreation resources.

GUIDELINES

- 1) Proposed uses or developments shall not displace or detract from an existing recreation use or change an existing recreation setting.

2) Proposed uses or developments shall not preclude options for future recreation use, especially those uses identified in the Recreation Assessment.

3) Proposals for enhancement of recreation resources are encouraged as long as they will protect the scenic, cultural, or natural resources.

4. NATURAL RESOURCES

OBJECTIVE: To protect and enhance natural resources in the Special Management Areas and General Management Areas pending completion of the Management Plan.

Protection will be achieved by:

- a. requiring identification of any natural resources on sites proposed for changes in use or development;
- b. requiring mitigation where possible to avoid adversely affecting natural resources where they are located; and
- c. finding proposals inconsistent where mitigation will not result in adequate protection of the natural resources.

1) Proposed developments or changes in use shall not degrade or destroy the natural resources existing on a site proposed for development, or cause off-site impacts that could result, individually or cumulatively, in degradation or destruction of natural resources in the Scenic Area.

2) Proposed uses or developments that disturb the ground or water drainage on active or stabilized earth flows (landslides) shall require geological evaluation, with adequate mitigation measures designed and applied to the site.

3) Proposals to remove silt and sand from boat channels, repair washed out areas, replace riprap, and repair or replace existing boat ramp areas shall protect the scenic, cultural, recreation, or natural resources.

4) Except as necessary to prevent imminent threat to life or property, proposed uses or developments shall not disturb normal drainage patterns of near wetlands.

5) Where threatened and endangered or sensitive plants or animals are found on a site proposed for development or a change in use, mitigation measures shall be applied for protection. If mitigation will not result in adequate protection, the proposal shall be found inconsistent with the Act.

6) Proposed uses or developments shall not alter habitats of threatened, endangered, or sensitive species, or riparian areas, without design and implementation of adequate mitigation measures.

7) Proposed uses or developments shall maintain fish habitat at no less than the existing level.

8) In the Special Management Areas, proposed uses or developments shall maintain habitat for cavity nesting birds where practicable through retention of snags and fallen logs and other woody debris.

9) Proposed vegetation management projects or programs for noxious weeds, ground covers, competing vegetation, rights-of-way, or gravel and borrow pits, shall protect the scenic, cultural, recreation, or natural resources.

10) Proposals for enhancement of natural resources are encouraged as long as they will protect the scenic, cultural or recreation resources.

C. LAND USE STANDARDS

Section 6(d) of the Scenic Area Act requires that Interim Guidelines shall include the standards 1 through 9 as listed in Chapter I. These are standards that apply to individual land or water uses and developments.

Guidelines in this section apply these standards to proposed site-specific uses and developments outside Urban Areas. Regardless of the land use or development that is proposed, the guidelines in Section B for protection of scenic, cultural, recreation and natural resources apply as well. Consistency determinations for site-specific land uses and development proposals shall be guided by the following standards:

1. AGRICULTURAL LANDS

OBJECTIVE: To protect and enhance agricultural lands for agricultural uses.

GUIDELINES

a. Both Special and General Management Areas

1) Conversion of agricultural land to open space, recreation development, or forest land is consistent with the Act where such conversion will protect and enhance the scenic, cultural, recreation, and natural resource values of the area. Conversion to other uses is inconsistent with the Act.

2) The number and type of agriculture buildings constructed must be necessary and accessory to, and consistent with, the type of agricultural operations existing or planned in the area.

3) Buildings for processing agricultural products shall be used for products produced primarily on the given or adjacent property. "Primarily" means a clear majority of the product as measured by volume, weight and value. This includes small packing facilities, wine making operations, and other similar uses. Large scale agricultural processing operations for products produced elsewhere are considered industrial uses and are not consistent outside of Urban Areas.

4) Livestock feedlots are inconsistent with the Act.

2. FOREST LANDS

OBJECTIVE: To protect and enhance forest lands in the Scenic Area for forest use.

GUIDELINES

a. Both Special and General Management Areas

- 1) All forest practices on private lands are governed by the State Forest Practices Acts.
- 2) Conversion of forest land to agricultural land, recreation development, or open space is consistent with the Act where such conversion will protect and enhance the scenic, cultural, recreation, and natural resources of the area. Conversion to other uses is inconsistent with the Act.
- 3) Use of forest lands for other compatible uses while retaining the potential to carry out forest practices is consistent with the Act where it will protect and enhance the scenic, cultural, recreation, or natural values, and the use will comply with the appropriate land use guidelines in this chapter.

b. Special Management Areas

- 1) Forest practices must protect the scenic, cultural, recreation, or natural resources of the Scenic Area.
- 2) The Forest Service visual management system will be used to evaluate the impact of proposed forest practices on federal and non-federal land. The visual quality objective of Retention shall be applied in the foreground (roughly within one half mile of roads, trails, or key viewing areas), and Partial Retention shall be applied in the middle- and background, with the result that management activities shall not be visually dominant in the landscape. (A description of the visual management system is available at any Forest Service office.)

3. OPEN SPACE

OBJECTIVE: To protect and enhance open space in the Scenic Area.

GUIDELINES

a. Both Special and General Management Areas

- 1) Open space resources of a given site shall be protected.
- 2) Measures are encouraged that enhance the scenic, cultural, recreation, or natural resources of an identified open space area. Enhancement could include the following:
 - a) improving the usefulness of these lands as fish or wildlife habitat, including wetlands or riparian values;
 - b) providing additional opportunities for the enjoyment of outstanding views, and/or understanding and enjoyment of historical and archaeological sites by means which do not diminish or threaten to diminish the values of these views or sites;
 - c) increasing the numbers or the range of rare, threatened, endangered or sensitive species; or
 - d) restoration in a historically accurate manner or scientifically excavating historic structures, trails, roads and ar-

chaeological sites, provided that any such excavations respect the religious traditions of Native Americans or other peoples whose sites are excavated.

4. COMMERCIAL DEVELOPMENT

OBJECTIVE: To insure that commercial development takes place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area.

GUIDELINES

a. Special Management Areas

- 1) Commercial development in the Special Management Areas is inconsistent with the Act, except commercial recreation uses and services which are identified in the Recreation Assessment. Until the Recreation Assessment is completed, only those commercial recreation uses conducted outdoors without any new permanent structures may be considered consistent with the Act.

b. General Management Areas

- 1) Commercial developments shall protect the scenic, cultural, recreation, or natural resources of the Scenic Area.
- 2) Home occupations which are conducted entirely within pre-existing residences and which are incidental and subordinate to the residential use are consistent with the Act.
- 3) Signs which identify a commercial enterprise are consistent with the Act when compatible with the scenic, cultural, recreation and natural resources.

5. RECREATION DEVELOPMENT

OBJECTIVE: To protect public and private recreation resources, to encourage new recreation development which will not adversely affect the Scenic Area resources and which will enhance recreation opportunities and tourism, and to preserve future options for recreation development pending completion of the Recreation Assessment and the Management Plan.

GUIDELINES

a. Both Special and General Management Areas

- 1) Proposals for recreation developments are encouraged to be integrated into the Recreation Assessment called for in Sections 6(a) and 8(d) of the Act.
- 2) Commercial recreation proposals shall meet the guidelines for commercial developments.
- 3) Non-commercial recreation development proposals shall protect the scenic, cultural, recreation and natural resources and shall be compatible in size and scope with the resource values of the Scenic Area. Proposals which take advantage of the unique conditions of the Gorge and which meet a demonstrated need will be given emphasis.

4) Once the Recreation Assessment required by the Act is completed, all recreation development proposals shall demonstrate compliance with its findings and recommendations.

6. LAND DIVISIONS

OBJECTIVE: To insure that land divisions do not encourage development practices that are inconsistent with the purposes of the Act.

GUIDELINES

a. Special Management Areas

1) For lot line adjustments between neighboring properties, the seller shall maintain a 40 acre minimum lot size if there is a residence on the property.

2) Partitions and short plats are inconsistent with the Act except when the Secretary determines it is desirable to facilitate land acquisition pursuant to Section 6(d)(5) of the Act.

3) Subdivisions are inconsistent with the Act.

b. General Management Areas

1) Lot line adjustments, partitions, short plats, and subdivisions shall protect the scenic, cultural, recreation, and natural resources of the Scenic Area and must protect agricultural land, forest land and open space.

7. RESIDENTIAL DEVELOPMENT

OBJECTIVE: To insure that residential development takes place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area.

GUIDELINES

a. Both Special and General Management Areas

1) Residential development shall incorporate design features and other considerations so that it will protect the scenic, cultural, recreation and natural resources of the Scenic Area. See Section B for design standards and opportunities for mitigation.

2) When the boundary between Special and General Management Areas divides a parcel, residential development may be consistent in either portion provided that these guidelines are met. This means that there shall be a minimum of 40 acres in the Special Management Area portion for the development to be located therein.

b. Special Management Areas

1) Residential development on a lot less than 40 acres in size is inconsistent with the Act.

2) Multi-family residential developments are inconsistent with the Act.

8. INDUSTRIAL DEVELOPMENT

OBJECTIVE: To limit new industrial development to Urban Areas and to insure that modifications to existing industrial developments in other areas does not adversely affect the scenic, cultural, recreation, and natural resources.

GUIDELINES

a. Both Special and General Management Areas

1) New industrial development outside the Urban Areas is inconsistent with the Act.

2) A cottage industry which does not visibly alter the land or alter a structure allowed for another consistent use is not considered industrial development for purposes of these guidelines.

3) Processing of agricultural products locally grown or produced on a small scale is considered agricultural use, rather than industrial, under these guidelines.

4) Existing industrial development may be modified only to the extent it does not increase adverse effects on the scenic, cultural, recreation, or natural resources.

5) Expansion of existing industrial facilities outside of Urban Areas beyond existing dedicated sites is inconsistent with the Act.

9. MINERAL RESOURCES

OBJECTIVE: To insure that the exploration, development and production of mineral resources for the primary purpose of using the product, as well as the reclamation of lands, take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area.

GUIDELINES

a. Special Management Area

1) Disturbance of the land surface for exploration, development and production of minerals is inconsistent with the Act, except for production of sand, gravel, and crushed rock used only for roads for the production of forest products in a Special Management Area.

2) Production of sand, gravel, or crushed rock for consistent purposes shall protect the scenic, cultural, recreation and natural resources of the Scenic Area. In addition to the information required in the Application Form for a consistency determination, the applicant shall identify methods to provide for prompt stabilization and reclamation of areas disturbed by operations.

3) Production of sand, gravel, or crushed rock for consistent purposes shall be screened so it is not and will not become visible from key viewing areas.

b. General Management Areas

1) Exploration, development, or production of minerals shall protect the scenic, cultural, recreation and natural resources of the Scenic Area. In addition to the information required in the Application Form for a consistency determination, the applicant shall identify methods to provide for prompt stabilization and reclamation of areas disturbed by operations.

2) Mineral exploration, development, and production shall be screened so it is not and will not become visible from key viewing areas.

10. COMMUNITY FACILITIES

OBJECTIVE: To provide for the support of existing communities while not adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area.

GUIDELINES

a. Both Special and General Management Areas

1) Community facilities may be installed as needed to support existing communities and developments, as long as they protect the scenic, cultural, recreation, or natural resources.

2) Development of community facilities requires documentation of the necessity for the facility to support other development and public service needs.

3) For modifications to existing utility transmission lines, the Forest Service will participate in the environmental analysis process to identify issues and to develop mitigation measures where needed to protect the scenic, cultural, recreation, and natural resources.

4) New solid waste disposal sites within the Scenic Area are inconsistent with the Act.

DEFINITIONS

The following terms used throughout the Interim Guidelines document are defined. Sources for the definition are listed.

Administrative Review: The process by which a higher official reviews a decision made by a Forest Service officer within 45 days of the decision. Regulations for this process are contained in 36 CFR 211.18.

Adversely Affect (Scenic Area Act, Section 2(a)): "A reasonable likelihood of more than moderate adverse consequences for the scenic, cultural, recreation or natural resources of the Scenic Area, the determination of which is based on:

- 1) the context of a proposed action;
- 2) The intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;
- 3) the relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and
- 4) proven mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level."

Agricultural Land: Land used primarily for the production of farm commodities. This includes cropland, truck farms, pasture, rangelands, small woodlots, Christmas tree farms, orchards, groves, vineyards, bush fruits, horticultural areas (nurseries), and feeding operations.

Agriculture Building: Structures that are necessary and accessory to an agricultural use and where there would be no need or use for the structure other than because of the agricultural use. These include: structures for storage of agricultural products and supplies, storage and maintenance of farm equipment, shelter for stock, greenhouses, dwellings for workers and/or owners, and other, similar structures related to agricultural use.

Commercial Development: Any facility or use of land or water whose function is primarily the buying or selling of goods or services or both.

Commercial Recreation: Any private (non-governmental) recreational activity or facility for which a fee is charged.

Community Facilities: Basic utilities and services necessary to support development and public service needs, including but not necessarily limited to: water utilities, sanitation facilities, microwave relay stations, communications facilities, local power distribution lines, schools, roads and highways.

Cottage Industry: A manufacturing business operated in a residence or related major structure owned and operated by the full-time residents on the premises when under county permit and with no more than three outside employees.

Cultural Resources: Physical evidence of sites, structures, or objects used by humans and the conceptual content or context of an area (as a setting for legendary, historic, or prehistoric events, or a sacred area of native peoples, etc.). Historic landscapes, such as agricultural patterns, are also considered cultural resources. Four categories of resources will be used for inventory and evaluation purposes:

- 1) archeological - resource values associated with former occupancy by native cultural groups;
- 2) historical - values dating from first occupancy by non-native settlers;
- 3) relic cultural groups - resource values associated with the existence of native people who continue to live in

groups practicing the cultural life styles of their ancestors; and

4) recent in origin - outstanding examples of contemporary culture representing achievements which, in the future, are likely to become historically significant.

Cultural Resource Inventory: The formal process of collecting existing information on known cultural resources and locating, through field survey conducted by trained personnel, and documenting as yet undiscovered cultural resources.

Forest Lands: Lands used for growing forest products.

Home Occupation: Any occupation or profession carried on entirely within a residence or major related structure by a member of the family residing in the dwelling and carried on under County permit. This includes bed and breakfast facilities and commercial guide services.

Industrial Facilities or Land Uses: In general, any facility or land use primarily involved in:

- 1) Assembly or manufacture of goods or products.
- 2) Processing or reprocessing of raw materials, processing of recyclable materials or non-locally produced agricultural products;
- 3) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products or recyclable materials for purposes other than retail sale and service; or
- 4) Production of hydro-electric power for commercial purposes.

Key Viewing Areas: Areas from which large numbers of people view the National Scenic Area portions of the Gorge. These include:

Historic Columbia River Highway
Crown Point
Highway I-84, including rest stops
Multnomah Falls
State Route 14
Beacon Rock
Highway 35 at Panorama Point
Cape Horn
Highway 197
Dog Mountain Trail
Cook Underwood Road
Rowena Plateau
Railroads on both sides of the River
Sciorus Park
Portland Women's Forum State Park
Seven Mile Hill
Bridal Veil State Park
Larch Mountain
Beacon Rock State Park
Rooster Rock State Park
Bonneville Dam Visitor Centers
Columbia River

Land Forms: Cliffs, talus slopes, unusual rock formations, geologic features, sand dunes.

Landscape Settings:

Developed Setting: Residential, commercial, or industrial complexes are dominant in the landscape. Setting may include rural towns, large commercial or industrial developments, subdivisions, etc.

Rural Setting: Forest, range or agricultural land that is predominately vegetated, but which may have considerable evidence of human occupation such as structures, roads and fields. Structures appear scattered or in small dominant clusters.

Undeveloped Setting: Generally forest or grasslands of moderate to large size in a near-natural condition. Structures or developed features other than roads are rare and isolated.

Livestock Feedlot: Large facility for commercial feeding of livestock, specifically for the purpose of fattening for market. Does not include seasonal feeding of livestock on farms and ranches.

Lot or Parcel: A contiguous unit of land under a single ownership created by a partition, short plat or subdivision in accordance with the applicable state law and local regulations.

Lot Line Adjustment: The transfer of a portion of a lot from one owner to the owner of an adjacent lot resulting in no increase in the number of lots.

Major Development Action: (Scenic Area Act, Section 2(j)): "Any of the following:

- 1) subdivisions, partitions and short plat proposals;
- 2) any permit for siting or construction outside Urban Areas of multifamily residential, industrial or commercial facilities, except such facilities as are included in the recreation assessment;
- 3) exploration, development and production of mineral resources unless such exploration, development or production can be conducted without disturbing the surface of any land within the boundaries of a special management area or is for sand, gravel and crushed rock used for the construction, maintenance or reconstruction of roads within the Special Management Areas used for the production of forest products; and
- 4) permits for siting or construction within a Special Management Area of any residence or other related major structure on any parcel of land less than forty acres in size."

Mineral Resources: A concentration of naturally occurring solid, liquid, or gaseous material in such form and amount that is locatable or leasible under the mining laws of the United States, or is common variety such as sand, gravel and rock. Minerals include: metalliferous and non-metalliferous material, oil and gas, and geothermal resources.

Mitigation: (from 40 CFR 1508.20) Mitigation includes the following:

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action;

- 2) minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- 3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; or
- 4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

Natural Resources: Naturally occurring features including land, water, air, plants, animals including fish, and plant and animal habitat that exist within the Scenic Area.

Open Space: (Scenic Area Act, Section 2(l)):

"Unimproved area that is not agricultural or forest land and that is designated as open space as provided in Section 6(d) of this Act. According to that section, open spaces include:

- 1) Scenic, cultural, and historic areas;
- 2) Fish and wildlife habitat;
- 3) Land which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
- 4) Ecologically and scientifically significant natural areas;
- 5) Outstanding scenic views and sites;
- 6) Water areas and wetlands;
- 7) Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
- 8) Potential and existing recreation resources; and
- 9) Federal and State wild, scenic, and recreation waterways."

Partial Retention Visual Quality Objective: Land uses and structures may be visible from key viewing areas but must remain visually subordinate to the surrounding natural landscape. Visual characteristics of form, line, color and texture of land uses and structures must remain subordinate to, and have low contrast with, the surrounding natural landscape.

Partition: The creation of two or three lots in accordance with Oregon State statute. Applies only to developments in Oregon.

Recreation Assessment: Analysis of existing and potential recreational opportunities, needs, and potentials as required by Sections 6(a)(3) and 8(d) of the Scenic Area Act.

Recreation Development: Facilities designed to complement, enhance or support a recreational activity or experience. These include but are not limited to campgrounds and picnic areas, recreation vehicle parks, swimming, boating or windsurfing facilities, hiking trails, etc.

Recreation Resources: The leisure time or recreation activity, setting, or experience opportunities that exist in the Scenic Area. For purposes of these guidelines, particular emphasis is given to opportunities that depend on the

landscape, natural resources, or conditions which are specific to the Scenic Area.

Residential Development: (Scenic Area Act, Section 2(n)): "Permitting for siting or construction of any residence or other related major structure." Related Major Structure is any detached structure which is accessory to a residence.

Retention Visual Quality Objective: Land uses and structures are not readily visible from key viewing areas. Land uses and structures are visually consistent with the characteristic form, line, color, and texture of the surrounding natural landscape.

Scenic Resources: The inherent visual quality (appearance and character of the landscape) of the area and its degree of naturalness, and/or the attractiveness of the cultural features.

Short Plat: The creation of two to four lots in accordance with Washington State Statute. Applies only to developments in Washington.

Solid Waste Disposal Site: A site dedicated to the disposal of waste products. May include household waste, yard debris, and/or chemical or industrial wastes. Does not include transfer stations or recycling plants.

Subdivision: The creation of four or more lots in Oregon and five or more lots in Washington in accordance with each state's statute.

Threatened and Endangered Species: Those species whose prospects of survival and reproduction are in immediate jeopardy or are likely to become in danger of extinction in the foreseeable future throughout all or a significant portion of their ranges. These species are listed in 50 CFR 17.11 and 17.12, dated January 1, 1986, published by USDI Fish and Wildlife Service.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, bogs, and similar areas.